

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jamillah A. Trainer

(b) County of Residence of First Listed Plaintiff **Camden County NJ**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robert T Vance Jr, 100 South Broad Street, Suite 905,
Philadelphia PA 19110. 215 557 9550

DEFENDANTS

County of Delaware

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII of the Civil Rights Act of 1964Brief description of cause:
Employment discrimination - race and disability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE None

DOCKET NUMBER

DATE 5/23/2023 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: New Jersey

Address of Defendant: Media, PA

Place of Accident, Incident or Transaction: Media, PA

RELATED CASE IF ANY: None

Case Number: _____ Judge: _____ Date Terminated _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit Pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier Numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any now pending or within one year previously terminated action in this court except as note above.

DATE: 5/23/2023

Robert T Vance Jr
Attorney-at-Law (Must sign above)

37692
Attorney I.D. # (if applicable)

Civil (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☒ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. All Other Federal Question Cases. (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: (Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Robert T Vance Jr, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2 § 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: 5/23/2023

Robert T Vance Jr
Attorney-at-Law (Sign here if applicable)

37692
Attorney ID # (if applicable)

NOTE: A trial de novo will be a jury only if there has been compliance with F.R.C.P. 38.

United States District Court for the Eastern District of Pennsylvania

Jamillah A. Trainer	:	
	:	
vs	:	Civil Action No.
	:	Jury Trial Demanded
County of Delaware	:	

Complaint

Plaintiff, Jamillah A. Trainer, brings a series of claims against Defendant, County of Delaware, of which the following is a statement:

Jurisdiction and Venue

1. This Court has original jurisdiction to hear this Complaint and adjudicate the claims stated herein under 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 2000d-2. 2000e-5(f), this action being brought under 42 U.S.C. § 1983 ("Section 1983"), the Civil Rights Act of 1866, 42 U.S.C. § 1981 ("Section 1981"), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d and 2000e, et seq. ("Title VII"), the Americans With Disabilities Act of 1990, as amended, Pub. L. 101-336, 42 U.S.C. § 12101 et seq. (the "ADA"), and the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071 (Nov. 21, 1991), to redress and enjoin the discriminatory practices of defendant. This Court may exercise supplemental jurisdiction over Ms. Trainer's state law claims pursuant to 28 U.S.C. §1367.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this case occurred in this judicial district.

3. Ms. Trainer timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Pennsylvania Human Relations Commission,

received a Notice of Right to Sue ("NRTS") from the EEOC, and has commenced this action within 90 days of receipt of the NRTS.

The Parties

4. Plaintiff, Jamillah A. Trainer, is an African American female citizen of the United States and a resident of the State of New Jersey.

5. Defendant, County of Delaware (the "County"), is a political subdivision of the Commonwealth of Pennsylvania with its principal place of business located in Media, Pennsylvania.

6. At all times relevant to this action, the County was an "employer" within the meaning of Section 1983, Section 1981, the ADA, Title VII, and applicable state law.

7. The acts set forth in this Complaint were authorized, ordered, condoned, ratified and/or done by the County's officers, agents, employees and/or representatives while actively engaged in the management of defendant's business and pursuant to defendant's official policies and customs.

Background Facts

8. In March 2006, Ms. Trainer was hired as a Correctional Officer by the GEO Group, a for-profit entity that had been managing the George W. Hill Correctional Facility (the "Prison") in Thornton, Pennsylvania, since 1998. On or about April 6, 2022, the County took back complete control of the operations of the Prison.

9. In or around December 2021, Ms. Trainer and other GEO employees at the Prison received notice that GEO's contract with the County to operate the Prison would expire on April 5, 2022.

10. The notice stated that all GEO employees at the Prison were required to apply with the County in order to retain their jobs upon the expiration of the contract between GEO and the County.

11. In January 2022, Ms. Trainer applied for a position as a Correctional Officer with the County. Investigator George Rhoades interviewed Ms. Trainer for the position, and told her he was going to recommend that she be retained as a Correctional Officer at the Prison.

12. On November 28, 2020, Ms. Trainer took an approved leave of absence due to ongoing health concerns, including anxiety, depression, thyroid disease, cardiac issues.

13. In March 2022, Ms. Trainer returned to work at the Prison.

14. The County did not select Ms. Trainer for a Correctional Officer position at the Prison, or for any other position. However, at the time, Ms. Trainer had 16 years of experience as a Correctional Officer at the Prison and had never received any disciplinary action during that period. She was part of the Prison's Correctional Emergency Response Team, she was pepper ball and OC certified, Act 235 certified, and had served as the Master Control Operator.

15. The County selected less qualified non-Black applicants for the Correctional Officer position at the Prison, including those who had less years of experience as a Correctional Officer at the Prison.

16. By letter dated March 29, 2022, the County formally informed Ms. Trainer that she had not been selected for a Correctional Officer position at the Prison because "there were several highly qualified candidates for the position."

17. The County selected for Correctional Officer positions several White males, including Robert Cullen, John Omelchuk, and Zach Serody, who had taken various leaves of absence, including FMLA leave. However, defendant failed to select Ms. Trainer for a

Correctional Officer position, in part because she periodically took intermittent leave for her disabilities, while selecting these three (3) White males.

18. Mario Colucci, a White male who had been hired in 1996 by GEO as the Deputy Warden for the Prison, controlled the selection process and made the decision as to which applicants for a Correctional Officer position would be selected at the time the GEO-County contract expired. Mr. Colucci used his previous knowledge acquired by virtue of his position as the Deputy Warden to discriminate against Ms. Trainer and other Black applicants, many of whom at the time were serving as Correctional Officers.

19. Defendant discriminated against Black applicants, including Ms. Trainer, in connection with selecting who would be retained as a Correctional Officer at the Prison. Defendant pre-selected non-Black applicants to retain as Correctional Officers even before they had interviewed for the position. In fact, defendant issued a letter of hire to a non-Black applicant that was dated *prior* to the actual date of his interview. Moreover, after defendant closed the interview process, they opened it up again for the sole purpose of interviewing a non-Black applicant, who was interviewed and hired the same day. In fact, of the 28 Correctional Officers eligible for re-hire who were not selected, 26 are Black, despite the fact that the racial composition of the Correctional Officers is approximately 50% Black and 50% non-Black.

20. Upon the expiration of the GEO-County contract, the County retained Mr. Colucci as the Director of Investigations.

21. Ms. Trainer has been diagnosed with anxiety, depression, thyroid disease, cardiac issues, and long Covid-19, all of which constitute disabilities within the meaning of the ADA.

22. Defendant refused to select Ms. Trainer in part because of her disability, perceived disability or record of having been disabled, in violation of the ADA.

23. Defendant refused to select Ms. Trainer because of her race.

24. Ms. Trainer has suffered, is now suffering, and will continue to suffer emotional distress, mental anguish, loss of enjoyment of life and other non-pecuniary losses as a direct and proximate result of defendant's discrimination.

25. By reason of defendant's discrimination, Ms. Trainer suffered and will continue to suffer extreme harm, including loss of income and other employment benefits, loss of professional opportunities, embarrassment and humiliation.

26. Defendant acted and failed to act willfully, maliciously, intentionally and with reckless disregard for Ms. Trainer's rights.

Count I

The Americans With Disabilities Act, 42 U.S.C. §12101 et seq.

27. Plaintiff restates and realleges paragraphs 1-26, inclusive, as though set forth here in full.

28. Defendant discriminated against Ms. Trainer, a qualified individual with a disability, by failing to make reasonable accommodations to her known limitations, and by otherwise discriminating against her because of her disability, in violation of the Americans With Disabilities Act, 42 U.S.C. §§ 12111-12117.

29. Defendant's conduct was intentional, deliberate, willful and in callous disregard of Ms. Trainer's rights.

30. By reason of defendant's discrimination, Ms. Trainer is entitled to all legal and equitable relief available under the ADA.

Count II

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000d and 2000e et seq.

31. Plaintiff restates and realleges paragraphs 1-29, inclusive, as though set forth here in full.

32. Ms. Trainer had a federal statutory right under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000d and 2000e et seq. ("Title VII"), to be accorded the same rights as were enjoyed by White employees and applicants with respect to the terms and conditions of their employment relationship with defendant and to the enjoyment of all benefits, privileges, terms and conditions of that relationship.

33. Defendant's conduct deprived Ms. Trainer of the rights, privileges and immunities guaranteed to her under Title VII.

34. By reason of defendant's discrimination and retaliation, Ms. Trainer is entitled to all legal and equitable relief available under Title VII.

Count III

Pennsylvania Human Relations Act, 43 P.S. §951 et seq.

35. Plaintiff restates and realleges paragraphs 1- 34, inclusive, as though set forth here in full.

36. Defendant's actions and omissions described above, because of her race and disability, violated the Pennsylvania Human Relations Act ("PHRA").

37. Defendant's conduct described above deprived Ms. Trainer of the rights, privileges and immunities guaranteed to her under the PHRA.

38. By reason of defendant's discrimination, Ms. Trainer is entitled to all legal and equitable relief available under the PHRA.

Jury Demand


39. Ms. Trainer hereby demands a trial by jury as to all issues so triable.

Prayer for Relief

Wherefore, Plaintiff, Jamillah Trainer, respectfully prays that the Court:

- a. adjudge, decree and declare that defendant engaged in illegal discrimination, and that the actions and practices of defendant complained of herein are violative of her rights under Title VII, the ADA, and the PHRA;
- b. order defendant to provide appropriate job relief to Ms. Trainer, including reinstatement;
- c. enter judgment in favor of Ms. Trainer and against defendant for all available remedies and damages under law and equity, including, but not limited to, back pay, front pay, past and future mental anguish and pain and suffering, in amounts to be determined at trial;
- d. order defendant to pay the attorney's fees, costs, expenses and expert witness fees of Ms. Trainer associated with this case;
- e. grant such other and further legal and equitable relief as may be found appropriate and as the Court may deem just or equitable; and
- f. retain jurisdiction until such time as the Court is satisfied that defendant has remedied the unlawful and illegal practices complained of herein and is determined to be in full

compliance with the law.



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